

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Shelton	Team: Squad #11	CCRB Case #: 201900351	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 01/04/2019 3:13 AM, Friday, 01/04/2019 4:11 AM	Location of Incident: § 87(2)(b) the 44th Precinct stationhouse	Precinct: 40	18 Mo. SOL 7/4/2020	EO SOL 2/18/2021	
Date/Time CV Reported Sun, 01/13/2019 2:33 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 01/13/2019 2:33 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Russell Crawford	14997	960400	044 PCT
2. POM Thomas Gerlich	08140	963536	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Russell Crawford	Abuse: Police Officer Russell Crawford stopped the vehicle in which § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) were occupants.	§ 87(2)(b)
B.POM Thomas Gerlich	Abuse: Police Officer Thomas Gerlich stopped the vehicle in which § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) were occupants.	§ 87(2)(b)
C.POM Russell Crawford	Abuse: On the § 87(2)(b) at § 87(2)(b) in the Bronx, Police Officer Russell Crawford searched the vehicle in which § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) were occupants.	§ 87(2)(b)
D.POM Russell Crawford	Abuse: On the § 87(2)(b) at § 87(2)(b) in the Bronx, Police Officer Russell Crawford questioned § 87(2)(b) § 87(2)(b).	§ 87(2)(b)
E.POM Russell Crawford	Abuse: On the § 87(2)(b) at § 87(2)(b) in the Bronx, Police Officer Russell Crawford questioned § 87(2)(b) § 87(2)(b).	§ 87(2)(b)
F.POM Russell Crawford	Abuse: On the § 87(2)(b) at § 87(2)(b) in the Bronx, Police Officer Russell Crawford damaged § 87(2)(b) § 87(2)(b)'s property.	§ 87(2)(b)
G.POM Thomas Gerlich	Abuse: On the § 87(2)(b) at § 87(2)(b) in the Bronx, Police Officer Thomas Gerlich strip-searched § 87(2)(b) § 87(2)(b).	§ 87(2)(b)
H.POM Russell Crawford	Abuse: Police Officer Russell Crawford seized § 87(2)(b) § 87(2)(b)'s property.	§ 87(2)(b)
I.POM Thomas Gerlich	Discourtesy: At the 44th Precinct stationhouse, Police Officer Thomas Gerlich acted discourteously toward § 87(2)(b) § 87(2)(b).	§ 87(2)(b)

### Case Summary

On January 5, 2019, § 87(2)(b) filed this complaint with IAB by phone, generating IAB log #19-587, regarding an incident on January 4, 2019. It was received at the CCRB on January 18, 2019, under IAB log #19-1089, and assigned to Squad #10. On January 13, 2019, § 87(2)(b) independently filed a duplicate complaint with the CCRB using the call processing system, regarding the January 4, 2019, incident and an additional incident alleged to have taken place on January 13, 2019, that did not involve § 87(2)(b). That same day, § 87(2)(b) filed the same complaint with IAB by phone, generating IAB log #19-1571. It was received at the CCRB on January 24, 2019, under IAB log #19-1826. On April 25, 2019, the entire complaint was truncated as neither § 87(2)(b) nor § 87(2)(b) cooperated in providing an in-person statement. On September 20, 2019, § 87(2)(b) submitted a re-open request in writing in-person at the CCRB requesting that the agency investigate the January 4, 2019, incident. On September 24, 2019, the complaint was re-opened and re-assigned to Squad #11.

On January 4, 2019, at approximately 3:12 a.m., § 87(2)(b) was a passenger in his own tow truck driven by § 87(2)(b) when PO Thomas Gerlich and PO Russell Crawford of the 44<sup>th</sup> Precinct stopped the vehicle on the § 87(2)(b) where it crosses East 150<sup>th</sup> Street in the Bronx (**Allegations A and B: Abuse of Authority**, § 87(2)(g) and § 87(2)(b) and § 87(2)(b) provided their documents to the officers and were arrested for allegedly not having their driver's licenses. After § 87(2)(b) and § 87(2)(b) were removed from the vehicle, PO Crawford allegedly searched the vehicle for police frequency scanners (**Allegation C: Abuse of Authority**, § 87(2)(g)). PO Crawford also allegedly asked both individuals if they were illegally towing vehicles (**Allegations D and E: Abuse of Authority**, § 87(2)(g)). As he searched the vehicle, PO Crawford allegedly damaged § 87(2)(b)'s radio, dashboard cameras, and seats (**Allegation F: Abuse of Authority**, § 87(2)(g)). PO Gerlich frisked § 87(2)(b) on the side of the road and allegedly pulled down his pants and underwear, exposing § 87(2)(b) completely from his waist to his knees (**Allegation G: Abuse of Authority**, § 87(2)(g)). PO Crawford seized § 87(2)(b)'s vehicle and drove it back to the 44<sup>th</sup> Precinct stationhouse (**Allegation H: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) were taken to the stationhouse and while § 87(2)(b) was being processed at the front desk, PO Gerlich allegedly threw away his two PBA cards and identification (**Allegation I: Discourtesy**, § 87(2)(g)).

§ 87(2)(b) was issued a summons for being an unlicensed tow truck assistant (BR 01). § 87(2)(b) was arrested for violating general city laws and criminal possession of a weapon in the fourth degree (BR 02).

Cellphone footage was obtained from § 87(2)(b) (BR 03). Body-worn camera (BWC) footage was obtained from the NYPD Legal Bureau (BR 04-08).

### **Findings and Recommendations**

**Allegation A – Abuse of Authority: On the § 87(2)(b) at § 87(2)(b) in the Bronx, Police Officer Russell Crawford stopped the vehicle in which § 87(2)(b) and § 87(2)(b) § 87(2) were occupants.**

**Allegation B – Abuse of Authority: On the § 87(2)(b) at § 87(2)(b) in the Bronx, Police Officer Russell Crawford stopped the vehicle in which § 87(2)(b) and § 87(2)(b) § 87(2) were occupants.**

Footage from PO Gerlich's BWC depicts these allegations (BR 04). In discussing the footage, the player's durational timestamp will be referenced, not the on-screen timestamp. From 0:07 to 0:30, PO Gerlich leaves his police vehicle and approaches the driver's side door of a tow truck with one vehicle in tow behind it. The tow truck's rear lights are apparently activated. The rear lights of the vehicle being towed do not appear to be activated and no additional lights appear to be affixed to this vehicle. From 0:30 to 0:36, PO Gerlich explains to § 87(2)(b) who sits in the driver's seat of the tow truck, that he needs to affix lights to the vehicle he is towing so other individuals know that he is braking. From 0:36 to 0:40, § 87(2)(b) apologizes and offers to go put the lights on the towed vehicle. PO Gerlich proceeds to ask for § 87(2)(b)'s license, registration, and insurance. At no point in the available video footage does any officer refer to the vehicle as reported stolen or mention the straps used to secure the towed vehicle.

§ 87(2)(b) testified that when PO Crawford informed § 87(2)(b) and § 87(2)(b) that the vehicle being towed had no tow lights and was not properly strapped to the tow truck, he stated that the vehicle had straps and tow lights (BR 09-10).

No officers were interviewed regarding these allegations due to comprehensive video footage capturing the vehicle stop.

§ 87(2)(b)'s arrest report, prepared by PO Crawford, shows that PO Crawford observed the vehicle in tow without tow lights affixed (BR 02).

New York Vehicle and Traffic Law § 1164 (b) states that on a combination of vehicles, the rear signal lamps, such as brake lights and turning signals, must be displayed on the rearmost vehicle (BR 16).

§ 87(2)(b), § 87(2)(g)

**Allegation C – Abuse of Authority: On the § 87(2)(b) at § 87(2)(b) in the Bronx, Police Officer Russell Crawford searched the vehicle in which § 87(2)(b) and § 87(2)(b) § 87(2) were occupants.**

Footage from PO Crawford's BWC depicts these allegations (BR 05). In discussing the footage, the player's durational timestamp will be referenced, not the on-screen timestamp. From 0:00 to 4:40, PO Crawford stands next to the front passenger door of § 87(2)(b)'s tow truck. From 4:40 to 6:00, PO Crawford walks to the rear of the tow truck, then to the driver's door, and then back to his police vehicle. In those portions of the footage, PO Crawford does not search the vehicle other than shining his flashlight through the back passenger-side window, the windshield, and on the exterior of the vehicle. He does not touch the tow truck other than leaning on the exterior. From 25:15 to 26:34, PO Crawford returns to § 87(2)(b)'s tow truck at the driver's door and arrests § 87(2)(b). He does not search the tow truck or damage any of § 87(2)(b)'s property. The only time the officer touches the vehicle is at 25:21, when PO Crawford opens the

driver's door to remove § 87(2)(b) from the vehicle and place him in handcuffs. From 29:41 to 37:00, while still on the § 87(2)(b) PO Crawford visually inspects the driver's seat area of § 87(2)(b)'s vehicle with his flashlight before sitting there and driving the vehicle to the stationhouse. He does not search any section of the tow truck once sat inside and en route to the stationhouse. From 37:00 to 42:00, PO Crawford parks the vehicle at the stationhouse and rummages through the vehicle's center console, rear seat area, and the front passenger seat area before he turns the vehicle off and enters the stationhouse.

§ 87(2)(b) alleged that after he was placed in handcuffs and stood next to his tow truck on the side of the § 87(2)(b) he observed PO Crawford enter his vehicle through an unspecified door and search for a police frequency scanner on the dashboard, the back of the vehicle, and the front and back seat areas.

No officers were interviewed regarding these allegations due to comprehensive video footage capturing PO Crawford's actions during his time at the scene and in the vehicle.

Where a vehicle has been lawfully impounded, the reasonable expectation of the person who was driving it that its contents will remain private is significantly diminished and they presumably expect the police to find whatever is in the car pursuant to an inventory search (BR 19). The inventory search of that vehicle must be conducted pursuant to an established procedure (People v. Walker, 20 N.Y.3d 122 [2012]). During an inventory search of a vehicle once in the custody of the NYPD, a police officer is to thoroughly search the interior of the vehicle in areas including but not limited to consoles and seat areas (NYPD Patrol Guide Procedure 218-13) (BR 20).

§ 87(2)(b), § 87(2)(g)  
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§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b)  
§ 87(2)(b)

**Allegation D – Abuse of Authority: On the § 87(2)(b) at § 87(2)(b) in the Bronx, Police Officer Russell Crawford questioned § 87(2)(b) § 87(2)(b)**

**Allegation E – Abuse of Authority: On the § 87(2)(b) at § 87(2)(b) in the Bronx, Police Officer Russell Crawford questioned § 87(2)(b) § 87(2)(b)**

Footage from PO Crawford's BWC depicts these allegations (BR 05). In discussing the footage, the player's durational timestamp will be referenced, not the on-screen timestamp. From 0:00 to 6:00, PO Crawford stands by § 87(2)(b)'s vehicle and asks him to turn off the vehicle and pass him the keys, a repossession order for the vehicle towed by § 87(2)(b)'s vehicle, § 87(2)(b)'s New York City Department of Consumer Affairs (DCA) license and other paperwork, if he only tows vehicles that are repossessed, who owns the vehicle, and why there is tape on the rear license plate before he returns to his police vehicle. In that same timeframe, PO Crawford asks § 87(2)(b) for his DCA license and other paperwork and why there is tape on the rear license plate. From 25:15 to 28:35, PO Crawford arrests § 87(2)(b) by the driver's door of the tow truck then takes him behind the tow truck to place him in a police vehicle before approaching § 87(2)(b) at the rear of the towed vehicle, during which time the officer asks both whose vehicle it

is again before § 87(2)(b) is also placed in a police vehicle. In that timeframe, he also asks § 87(2)(b) if he “has anything on him” while he arrests him. No officer asks § 87(2)(b) or § 87(2)(b) if they are involved in illegal towing such as “chasing,” meaning towing vehicles involved in collisions to certain vehicle repair shops in order to be able to collect a 10 percent commission on the repairs.

§ 87(2)(b) alleged that while PO Crawford was searching the vehicle on the § 87(2)(b) he asked § 87(2)(b) and § 87(2)(b) if they were “chasing.” § 87(2)(b) maintained that they were only towing a repossessed vehicle.

No officers were interviewed regarding these allegations due to comprehensive video footage capturing PO Crawford’s questions to both § 87(2)(b) and § 87(2)(b) at the location and time of § 87(2)(b)’s allegations.

§ 87(2)(b), § 87(2)(g)

**Allegation F – Abuse of Authority: On the § 87(2)(b) at § 87(2)(b) in the Bronx, Police Officer Russell Crawford damaged § 87(2)(b) § 87(2)(b)’s property.**

Footage from PO Crawford’s BWC depicts these allegations (BR 05). In discussing the footage, the player’s durational timestamp will be referenced, not the on-screen timestamp. From 0:00 to 4:40, PO Crawford stands next to the front passenger door of § 87(2)(b)’s tow truck. From 4:40 to 6:00, PO Crawford walks to the rear of the tow truck, then to the driver’s door, and then back to his police vehicle. In those portions of the footage, PO Crawford does not search the vehicle other than shining his flashlight through the back passenger-side window, the windshield, and on the exterior of the vehicle. He does not touch the tow truck other than leaning on the exterior. From 25:15 to 26:34, PO Crawford returns to § 87(2)(b)’s tow truck at the driver’s door and arrests § 87(2)(b). He does not search the tow truck or damage any of § 87(2)(b)’s property. The only time the officer touches the vehicle is at 25:21, when PO Crawford opens the driver’s door to remove § 87(2)(b) from the vehicle and place him in handcuffs. From 29:41 to 37:00, while still on the § 87(2)(b) PO Crawford visually inspects the driver’s seat area of § 87(2)(b)’s vehicle with his flashlight before sitting there and driving the vehicle to the stationhouse. He does not search any section of the tow truck once sat inside and en route to the stationhouse. From 37:00 to 42:00, PO Crawford parks the vehicle at the stationhouse and rummages through the vehicle’s center console, rear seat area, and the front passenger seat area before he turns the vehicle off and enters the stationhouse. No property is damaged during this search in the vicinity of the stationhouse.

§ 87(2)(b) alleged that after he was placed in handcuffs and stood next to his tow truck on the side of the § 87(2)(b) he observed PO Crawford enter his vehicle through an unspecified door and search for a police frequency scanner. As he searched, PO Crawford “ripped half the dashboard out,” including the radio and cameras off the front and back of the vehicle. The officer ripped the folders out of the backs of the front seats.

No officers were interviewed regarding these allegations due to comprehensive video footage capturing PO Crawford’s actions during his time at the scene and in the vehicle.

§ 87(2)(b), § 87(2)(g)

**Allegation G – Abuse of Authority: On the § 87(2)(b) at § 87(2)(b) in the Bronx, Police Officer Thomas Gerlich strip-searched § 87(2)(b) § 87(2)(b)**

Footage from PO Crawford’s BWC depicts § 87(2)(b) and PO Gerlich at the time § 87(2)(b) alleged a strip search to have occurred (BR 05). In discussing the footage, the player’s durational timestamp will be referenced, not the on-screen timestamp. From 27:06 to 27:30, PO Gerlich stands with § 87(2)(b) at the rear of the vehicle in tow and searches the pockets of his jacket and frisks his waist and legs before he handcuffs him. § 87(2)(b) s pants are depicted sagging below the top of his underwear prior to the frisk of his lower body. § 87(2)(b) pulls them up slightly after being frisked. No other frisk of § 87(2)(b) on the § 87(2)(b) is depicted in the available video footage.

Footage from § 87(2)(b) s cellphone has clear audio at the time of this allegation (BR 03). In discussing the footage, the player’s durational timestamp will be referenced and there is no on-screen timestamp. At 2:45, § 87(2)(b) states, “Woah,” and when PO Gerlich tells him to place his hands behind his back, § 87(2)(b) responds, “Let me pull up my pants first, you just took them down.”

§ 87(2)(b) alleged that after he was handcuffed by PO Gerlich, this officer brought him to the back of the vehicle in tow. PO Gerlich unzipped § 87(2)(b) s hoodie, patted his torso, put his hands in his sweater pockets, patted his legs and went in both front sweatpants pockets. PO Gerlich pulled the cuffs of his pants up to check under them. PO Gerlich allegedly cupped § 87(2)(b) s scrotum through his pants and underwear, grabbed it, and pulled downwards. § 87(2)(b) s scrotum left the officer’s grip as he continued pulling on § 87(2)(b) s sweatpants and underwear until both articles were down by his knees. § 87(2)(b) s private areas were completely exposed. § 87(2)(b) asked for his pants to be pulled back up, but no officer did so. § 87(2)(b) with his hands cuffed behind his back, managed to bend down and pull his underwear and sweatpants back up.

No officers were interviewed regarding this allegation due to comprehensive video footage capturing PO Gerlich’s search and frisk of § 87(2)(b) incident to his arrest.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation H – Abuse of Authority: On the § 87(2)(b) at § 87(2)(b) in the Bronx, Police Officer Russell Crawford seized § 87(2)(b) § 87(2)(b) s property.**

Footage from PO Crawford’s BWC depicts this allegation (BR 05). In discussing the footage, the player’s durational timestamp will be referenced, not the on-screen timestamp. From 29:41 to 42:00, PO Crawford drives § 87(2)(b) s vehicle to the stationhouse and parks it.

§ 87(2)(b) testified that his vehicle was seized during the incident.

§ 87(2)(b) s arrest report show that § 87(2)(b) was arrested by PO Crawford and charged with violating general city laws (BR 02). In the “DETAILS” section, PO Crawford wrote that the vehicle which § 87(2)(b) was operating was not registered with the DCA as a tow-truck, in violation of the New York City Administrative Code. The report further details that the vehicle was used in a crime.

An NYPD Property Clerk Invoice shows that § 87(2)(b) s vehicle was invoiced by PO Crawford, taken from § 87(2)(b) on the incident date for forfeiture (BR 17).

Officers can seize vehicles for forfeiture if used to commit any criminal activity (NYPD Patrol Guide Procedure 208-26) (BR 18).

§ 87(2)(b), § 87(2)(g)

**Allegation I – Discourtesy: At the 44<sup>th</sup> Precinct stationhouse, Police Officer Thomas Gerlich acted discourteously toward § 87(2)(b) § 87(2)(b)**

Footage from PO Gerlich’s BWC depicts these allegations (BR 04). In discussing the footage, the player’s durational timestamp will be referenced, not the on-screen timestamp. From 37:02 to 37:20, the side of the front desk where arrestees are processed is depicted from various angles and no trash receptacle is apparent. From 42:42 to 47:45, PO Gerlich processes § 87(2)(b) at the front desk. The officer places § 87(2)(b) s wallet, phone, money, and other belongings on the desk. § 87(2)(b) asks PO Gerlich not to throw away any of his receipts and PO Gerlich responds that he is going to give everything back to § 87(2)(b). At 45:30, PO Gerlich places § 87(2)(b) s belongings into a plastic bag.

Footage from PO Crawford’s BWC also depicts these allegations (BR 08). In discussing the footage, the player’s durational timestamp will be referenced, not the on-screen timestamp. At 00:25, PO Gerlich hands back § 87(2)(b) s belongings except for his wallet as § 87(2)(b) prepares to leave the stationhouse. At 2:43, PO Crawford hands § 87(2)(b) his wallet and money. PO Gerlich asks § 87(2)(b) if he’s “cool,” and § 87(2)(b) confirms he is without any complaints.

§ 87(2)(b) alleged that PO Gerlich took § 87(2)(b) s two Patrolmen’s Benevolent Association (PBA) courtesy cards and photo identification and threw them into a trash receptacle on § 87(2)(b) s side of the desk.

No officers were interviewed regarding this allegation due to comprehensive video footage capturing § 87(2)(b) s processing at the front desk.

§ 87(2)(b), § 87(2)(g)

### **Civilian and Officer CCRB Histories**

- § 87(2)(b) [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]
- § 87(2)(b) [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]
- PO Gerlich has been a member-of-service for two years and has been a subject in three other CCRB complaints and nine other allegations, none of which were substantiated (see officer history). PO Gerlich's CCRB history does not reflect any apparent pattern pertinent to the investigation.
- PO Crawford has been a member-of-service for three years and has been a subject in three other CCRB complaints and eight other allegations, none of which were substantiated (see officer history). PO Crawford's CCRB history does not reflect any apparent pattern pertinent to the investigation.

### **Mediation, Civil and Criminal Histories**

- This case was deemed unsuitable to mediate due to an associated arrest.
- On December 6, 2019, a FOIL request was submitted with the Office of the NYC Comptroller and will be added to the case file upon receipt (BR 13).
- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]



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Squad No.: 11

Investigator:	_____	<u>Inv. Benjamin Shelton</u>	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	<u>IM Edwin Peña</u>	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date